IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 52/2007

SIRAJUDDEEN & ANR. Vs. STATE OF RAJASTHAN

DATE: 01.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. N.A. Naqvi for the accused-petitioners.
Mr. Ashwani Kumar Sharma, PP for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 12.01.2007 passed by the Additional Sessions Judge (Fast Track), Hindauncity, District Karauli in Sessions Case No. 59/2005, whereby the Court below has allowed the application under Section 319 Cr.P.C. and took cognizance against the accused-petitioners under Sections 302/149, 307/149, 341 IPC and issued arrest warrants against them.

I have heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State and have also gone through the impugned order dated 12.01.2007.

As regards cognizance taken against the accused-petitioners, the Court below has considered the evidence recorded and then allowed the application under Section 319 Cr.P.C. and as per the material available on record, prima-facie case is made out against the accused-petitioners as admittedly they were the member of the group having common intention. Taking into consideration these facts, cognizance has been taken against the accused-petitioners under Sections 302/149, 307/149 and 341 IPC by the Court below vide order dated 12.01.2007.

Thus, I find no illegality or error apparent on the face of the record in the impugned order by which cognizance has been taken against the accused-petitioners under Sections 302/149, 307/149 and 341 IPC and to this effect, the revision petition is hereby dismissed.

But, so far as issuance of arrest warrants against the accused-petitioners is concerned, in the interest of justice, I deem it proper to convert the arrest warrants into bailable warrants.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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